

REMARKS

This is intended as a full and complete response to the Office Action dated November 10, 2003, having a shortened statutory period for response extended one-month to expire on January 10, 2004. Claims 1 - 38 remain pending in the application and are shown above. Claims 1-38 are subject to restriction and/or election requirement. Reconsideration of the restricted claims is requested for reasons presented below.

The Examiner has restricted the claims as follows. Restriction of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-10, drawn to a device/product, classified in class 451, subclass 533.
- II. Claims 11-25, drawn to a method for polishing a substrate, classified in class 438, subclass 692.
- III. Claims 26-38, drawn to an apparatus for depositing and planarizing, classified in class 156, substrate 345.

Applicants elect Group I, original claims 1-10, with traverse.

The Examiner asserts that Inventions I and II are related as product and process of use, and in the instant case, the product as claimed can be used in a materially different process of using that product such as in a buffing process. Applicant note that polishing and buffing are not distinct terms, and therefore, the Examiner has not identified another process in which the polishing article may be used. Withdrawal of the restriction is respectfully requested.

The Examiner asserts that Inventions I and III are related as product and apparatus, and in the instant case, the product as claimed can be made by another and materially different apparatus such as a molding machine. The apparatus recited in Group III claims utilizes the polishing article for depositing and planarizing a material on a substrate, and does not manufacture the polishing article as erroneously asserted by the Examiner. Therefore, the restriction of Inventions I and III is based on error and withdrawal of the restriction is respectfully requested.

The Examiner asserts that Inventions II and III are related as apparatus and process of use, and in the instant case, the apparatus as claimed can be used to practice another and materially different process such as a process of determining polishing endpoint. Applicants respectfully submit that Inventions II and III are not properly restricted from Invention I as discussed above. Restriction of Inventions II and III is moot in view of the election on Invention I. Withdrawal of the restriction is respectfully requested.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Keith M. Tackett

Registration No. 32,008

MOSER, PATTERSON & SHERIDAN, L.L.P.

3040 Post Oak Blvd. Suite 1500

Houston, TX 77056

Telephone: (713) 623-4844

Facsimile: (713) 623-4846

Attorney for Applicant(s)